

	<p style="text-align: center;"><b>ARIZONA DEPARTMENT OF CORRECTIONS</b></p> <p style="text-align: center;"><b>Court Ordered Restitution</b></p>	<p><b>Notification Number:</b></p> <p style="text-align: center;"><b>01-08</b></p>
		<p><b>Issue Date:</b></p> <p style="text-align: center;">Revised December 16, 2008 Issued July 15, 2008</p>

### **POSTING NOTIFICATION**

This information is to be posted for a **minimum of 30 days** in areas accessible to inmates and shall be made available to inmates who do not have access to posted copies.

### **PROCEDURE:**

Based on an opinion issued by the Office of the Arizona Attorney General, Senate Bill 1619 amending A.R.S. § 31-254 and A.R.S. § 31-230 applies to all inmates with restitution orders regardless of the date of offense, conviction or sentencing. Accordingly, effective January 12, 2009, ADC Inmate Banking will make adjustments to all inmate accounts to comply with the A.R.S. § 31-254 and A.R.S. § 31-230.

This Opinion will impact a segment of the population from whom funds were not withheld initially. If you are impacted by this Opinion, your assigned CO III or CO IV will contact you to develop a payment plan to collect outstanding restitution as prescribed in A.R.S. § 31-254 and A.R.S. § 31-230.

Senate Bill 1619 amended A.R.S. § 31-254 and A.R.S. § 31-230 with reference to restitution. A.R.S. § 31-223.C now mandates that if "the court has ordered the prisoner to pay restitution pursuant to § 13-603, the director shall withdraw a minimum of twenty per cent, or the balance owing on the restitution amount, up to a maximum of fifty per cent of the monies available in the prisoner's spendable account each month to pay the court ordered restitution." The Department will continue to comply with the terms of court ordered restitution when contrary to the statute.

Restitution deductions will occur each time wages or mail money is posted to the inmates' spendable account. Restitution deductions will occur after the following statutory deductions are collected from gross wages, as follows: Designated Discharge Allowance 25% of gross wages up to \$50.00., Transition Fee 5% of gross wages, Alcohol Abuse Treatment Fund 67% or \$.50 per hour which ever is less of gross wages, and Child Support 30% of gross wages.

After the statutory deductions have been collected from gross wages the net will be sent to the spendable account where the following deductions will be collected: Court Ordered Restitution 20% net/spendable, State Filing Fees 20% net/spendable, Federal Filing Fees 20% net/spendable, Disciplinary Restitution 10% net/spendable, Taxation/Risk Management 10% net/spendable. As of Tuesday, July 1, 2008, all deposits into the spendable account of an inmate who has been ordered by a court to pay restitution will have 20% deducted for restitution pursuant to A.R.S. § 31-230, unless the court ordered otherwise.

  
 John R. Hallahan, Division Director, Offender Operations